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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,649	06/30/2000	Frank M. Keese	1108334-0386	2223

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EXAMINER

LONEY, DONALD J

ART UNIT	PAPER NUMBER
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1772

8

DATE MAILED: 12/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

ASB

Office Action Summary

Application No.

0608,649

Applicant(s)

teece et al

Examiner

D. Loney

Group Art Unit

1772

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-28 is/are pending in the application.
- Of the above claim(s) 12-28 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-11 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Applicant's election with traverse of Group I in Paper No. 7 is acknowledged. The traversal is on the ground(s) that Group I and II recite the same features and that the process Groups III and IV are methods to form the products of Groups I and II. This is not found persuasive because the Group II is drawn to a belt, which is typically a continuous band of material (i.e., round or oval in nature) and the product of Group I can be made by a materially different processes than Groups III or IV such as coating then grinding grooves therein to form ribs. Group IV is drawn to an entirely different process that contains beading not required in Group I

The requirement is still deemed proper and is therefore made FINAL.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. From the specification and Examples it appears the coating and ribs are formed of the same materials. The examiner can not locate where they are formed of different materials.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, it is unclear as to whether the ribs are the same material as the coating or not. The claim also recites that the ribs are raised above the coating, however, the specification indicates they are of the same material (see 35 U.S.C. 112 rejection above).

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

7. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
8. (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 1-5, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Debus.

Debus teaches a nylon or polyester reinforcement layer (18) with a rubber coating that includes ribs thereon (30). Refer to Fig. No. 1 along with column 2, lines 58-65 and column 3, lines 7-27.

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10. Claims 1, 2, 5, 7, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al.

Huang et al teaches a PTFE base (8) with ribs that extent above the PTFE coatings (6). Refer to Fig. No. 2 along with column 4, lines 22-26, 49-67 and column 5, lines 21-27.


This rejection is being made since it is unclear as to whether the coating and the ribs are the same material. See 35 U.S.C. 112 rejection above.

11. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by either Lorenz et al or Haulow.

Both references teach a PTFE coated reinforcement layer wherein the PTFE layer has ribs. Refer to Fig. No. 10 along with the corresponding text in Haulow. Refer to column 2, lines 11-48 which teach to emboss the composite therefore forming ribs, column 3, lines 42-57 and column 4, lines 23-45 in Lorenz et al.

12. Any inquiry concerning this communication should be directed to D. Loney at telephone number 703-308-2416.

D. Loney/mn
December 23, 2002


DONALD J. LONEY
PRIMARY EXAMINER